

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:16-cv-750-GCM**

**UNITED STATES OF AMERICA, ex. rel.,
Daniel H. Hayes, M.D.,**

Plaintiff,

v.

**CHARLOTTE MECKLENBURG
HOSPITAL AUTHORITY, d/b/a and
n/k/a ATRIUM HEALTH, a North
Carolina Hospital Authority,**

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's Motion to Dismiss ("Motion") (Doc. No. 13), directed at Plaintiff's original Complaint (Doc. No. 1). On August 6, 2019, Plaintiff filed its First Amended Complaint (Doc. No. 22). Accordingly, Defendant's Motion directed at the original Complaint is moot. *See Young v. City of Mount Ranier*, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); *Hall v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., UAW*, No. 3:10-cv-418, 2011 U.S. Dist. LEXIS 66084, 2011 WL 40143515, at * 1 (W.D.N.C. June 21, 2011) (An "amended complaint renders the defendants' pending motion to dismiss that are related to the superseding complaint as moot."). Thus, Defendant's Motion is **DENIED** without prejudice. Defendant may refile with respect to Plaintiff's First Amended Complaint. **SO ORDERED.**

Signed: February 5, 2020



Graham C. Mullen
United States District Judge

